



PATRICIA A. COBURN
BATTELLE PULMONARY THERAPEUTICS, INC.
SUITE 100
1801 WATERMARK DRIVE
COLUMBUS OH 43215

COPY MAILED

JUL 07 2005

OFFICE OF PETITIONS

In re Application of
William C. Tacon et al.
Application No. 10/020,464
Filed: November 30, 2001
Attorney Docket No. 12905

ON PETITION

This is a decision on the petition filed March 16, 2005, to revive the above identified application under 37 CFR 1.137(b)¹.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned on July 17, 2004, for failure to file a timely response to a Restriction Requirement mailed June 16, 2004, which set a one month shortened statutory period for reply. No extensions of the time for reply under 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed January 7, 2005.

The petition fee in the amount of \$750.00 has been applied to the finance records for the instant patent application.

The response to the Restriction Requirement filed March 16, 2005 will be referred to Technology Center 1651 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).